

REMARKS

Applicant respectfully requests reconsideration of the present application. No new matter has been added to the present application. Claims 1-47 have been rejected in the Office Action. No claims have been amended, new claim 48 has been added, and no claims have been canceled in this Amendment. Accordingly, claims 1-48 are pending herein. Claims 1-48 are believed to be in condition for allowance and such favorable action is respectfully requested.

Applicant's representative thanks Examiner Karen Tang and Primary Examiner Larry Donaghue for granting a telephonic interview on June 6, 2006. During the interview, Applicant's representative explained that the present invention is generally directed to providing an easy and convenient way for users to apply a set of format settings (e.g., a format profile) to image data at save time, thereby overcoming a number of drawbacks of the prior art. Additionally, differences between the independent claims and applied art, including U.S. Patent No. 5,978,016 to Lourette et al. (the "Lourette reference") and Applicant Admitted Prior Art (AAPA), were discussed. Applicant's representative indicated that the cited references fail to teach or suggest all the claim limitations for each of independent claims 1, 17, and 31. For example, with respect to claim 1, Applicant's representative explained that the Lourette references and AAPA, either alone or in combination, fail to teach or suggest, *inter alia*, in response to receiving a command from a user to save image data to a second location, presenting an interface for selecting a format profile comprising a set of image format settings, wherein the interface also includes a graphic actuator for receiving a command from a user to complete the formatting and saving of the image data to the second location. Applicant's arguments are set forth in more detail below. Based on the discussion, Primary Examiner Donaghue indicated that

the arguments detailed herein would be considered further and a new search would be performed.

Amendments to the Claims

New claim 48 has been added herein. Care has been exercised to avoid the introduction of new matter. Support for the new claim 48 may be found in the Specification, for example, at page 9, line 21 through page 10, line 2.

Rejections based on 35 U.S.C. § 103

A. Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP § 2143 through § 2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)”. See MPEP § 2143. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in

light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. & Inter. 1985).” *Id.* See also MPEP § 706.02(j) and § 2142.

B. Rejections based on Lourette in view of Applicant Admitted Prior Art

Claims 1-4, 9, 10, 14-16, 31, 33-36, 39-44, 46, and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,016 to Lourette et al. (the “Lourette reference”) in view of Applicant Admitted Prior Art (AAPA – Adobe Photoshop, version 6.0). As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Generally, with respect to the invention of the present application, Applicant recognized that users often own many different devices that have the ability to display images, and that the various devices often have a spectrum of different display characteristics and image data format requirements. See, e.g., *Specification*, p. 1 line 8 through p. 2, line 3. This typically required users to employ image manipulation software to manually and separately specify format information for an image. See, e.g., *Specification*, p. 2, line 11 through p. 3, line 22. The users would then have to save the formatted image (e.g., to a hard disk) and use some other means to transfer the image to another location or device. *Id.* The present invention addresses this issue by providing a convenient approach to allowing users to easily and automatically apply a set of format settings (e.g., a format profile previously defined by a user) to an image at save time. See, e.g., *Specification*, p. 6, line 4 through p. 7, line 14.

In contrast, the Lourette reference discloses an electronic camera that incorporates an internal fixed memory. See *Lourette*, Abstract. The camera may be a hybrid camera that includes both a photographic film imaging system and a digital imaging system. See *id.* at col. 1, lines 11-14. The internal fixed memory allows album images to be maintained on the camera at

a lower resolution than a captured image and to be displayed on a display screen on the camera when selected by a user. *See id.* at Abstract; at col. 1, lines 14-17; col. 1, lines 48-65. The user may view the appearance of the image on the display screen in either a classic, HDTV, or panoramic format. *See id.* at col. 17, lines 4-9. Further, the camera may operate in three image capture modes: a digital capture mode in which digital mode images are captured and stored; a film capture mode in which photographic film images are captured as well as film mode digital images; and a hybrid capture mode in which both hybrid mode digital images and photographic film images are captured. *See id.* at col. 11, lines 40-51.

The AAPA (Adobe Photoshop, version 6.0), which is also cited for these rejection, merely reflects the prior art and associated shortcomings discussed in the Background of the present application. *See, e.g.*, Specification, p. 2, line 11 through p. 3, line 22). In particular, Adobe Photoshop requires users to separately set the variety of desired format settings for an image, save the image, and then use a different application to transfer the image to another location or device.

Referring now to the claims of the present application and initially to independent claim 1, a method of formatting and transferring image data from a first location to a second location is recited. The method includes retrieving the image data from the first location; receiving a command from a user to save the image data to the second location; in response to receiving a command from a user to save the image data to the second location, presenting to the user an interface for selecting a format profile comprising a set of image data format settings, wherein the interface also comprises a graphic actuator for receiving a command from the user to complete the formatting and saving of the image data to the second location; receiving via the interface a user selection of the format profile comprising the set of image data format settings,

and a user command to complete the formatting and saving of the image data to the second location; and in response to receiving a user selection of the format profile and the user command to complete the formatting and saving of the image data to the second location: formatting the image data in accordance with the set of image data format settings to provide formatted image data, and saving the formatted image data to the second location.

Applicant respectfully submits that a *prima facie* case of obviousness has not been established for independent claim 1 because the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest all the claim limitations for independent claim 1. First, it is respectfully submitted that the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest in response to receiving a command from a user to save the image data to the second location, presenting to the user an interface for selecting a format profile comprising a set of image data format settings, wherein the interface also comprises a graphic actuator for receiving a command from the user to complete the formatting and saving of the image data to the second location. The Office Action indicates a number of cites within the Lourette reference for an interface; however, none of these “interfaces” cited by the Office Action: (1) are presented in response to receiving a command from a user to save the image data to a second location; (2) are for selecting a format profile comprising a set of image data format settings; and (3) include a graphic actuator for receiving a command from the user to complete the formatting and saving of image data to the second location, as recited by independent claim 1, as amended herein.

For example, page 3 of the Office Action indicates element 22 of FIG. 3 as the interface. However, element 22 of FIG. 3 is a status unit to display a variety of camera status information to a user. *See id.* at col. 5, line 60 through col. 6, line 1. While the status unit 22 could be construed as an “interface,” there is no indication in the Lourette reference that the

status unit 22 is presented based on a user command to save image data to a second location. In addition, the status unit 22 merely displays status information and is not for selecting a format profile, nor does it include a graphic actuator for receiving a command from a user to complete the formatting and saving of image data.

Page 3 of the Office Action also indicates that the Lourette reference discloses an “interface” as an “LCD,” referring to element 36 of FIG. 5. Similar to the discussion for the status unit 22, this “interface” fails to meet all of the limitations recited for this element by independent claim 1, which requires the interface: (1) to be presented in response to a user command to save image data to a second location; (2) to allow for selecting a format profile comprising a set of image data format settings; and (3) to include a graphic actuator for receiving a command from a user to complete the formatting and saving of image data to the second location.

The Lourette reference indicates that a graphical user interface including the display unit 36 may be used to perform a number of functions. *See Lourette* at col. 16, lines 10-17. The functions include an image format function (accessed by an image format icon 212), which allows a user to change the image format of a displayed hybrid and film mode images. *See id.* at col. 16, lines 32-34, col. 17, lines 4-34. However, there is no indication in the Lourette reference that the graphical user interface is presented in response to a user command to save image data to a second location. In addition, the image format function does not allow for a user to select a format profile comprising a set of image data format settings, such as sizing, rotation, compression, padding, alignment, and margins, for example. The Lourette reference describes the image format function as merely allowing a user to change between classic, HDTV, and panoramic formats associated with conventional Advanced Photo System cameras to “indicate to

the operator which portions of the image will be excluded for a given selected digital image, when an eventual photographic print is made from the corresponding film image.” See *id.* at col. 17, lines 4-34. Each of these formats merely dictates the aspect ratio of an image and is not a format profile comprising a set of image data format settings. In column 21, lines 48-57, the Lourette reference discusses providing further editing functions, such as zooming, cropping, and panning. However, the Lourette reference does not describe these functions as a format profile comprising a set of image data format settings that may be applied to the image data while transferring the image data to a second location as set forth by independent claim 1. Instead, in the Lourette reference, a user must separately specify individual editing functions to image data, save the image data, and then transfer the image data. Thus, this discussion in the Lourette reference merely reflects the shortcomings described in the Background of the present application. In contrast, Applicant’s claimed invention provides a substantial advantage in that it allows a user to simply select a format profile at save time, such that a set of format settings may be applied while the image data is transferred and saved to a second location (as explained in Applicant’s Specification, for example, at page 17, lines 4-13).

Further, the graphical user interface discussed in the Lourette reference does not include a graphic actuator for receiving a command to complete the formatting and saving of image data to the second location. On page 3, the Office Action indicates element 208 of FIG. 11 as a graphic actuator. However, the Lourette reference describes element 208 as a function data entry area that displays data associated with the selected camera function. See *id.* at col. 16, lines 22-24. The Lourette reference fails to describe the function data entry area 208 as a graphic actuator for receiving a command from the user to complete the formatting and saving of the image data to the second location. The function data entry area 208 displays a variety of data

rather than receiving a command to complete the saving of image data. The graphical user interface does include an album function icon 216, which allows a user to store a digital image as an album image in a base camera memory fixed within the digital camera. However, this does not comprise a graphic actuator for completing the formatting and saving of image data to a second location, as recited in independent claim 1.

AAPA (Adobe Photoshop, version 6.0) likewise fails to teach or suggest a user interface that: (1) is presented in response to receiving a command from a user to save the image data to a second location; (2) is for selecting a format profile comprising a set of image data format settings; and (3) includes a graphic actuator for receiving a command from the user to complete the formatting and saving of image data to the second location, as recited by independent claim 1. As indicated above and discussed in the Background of the present application, AAPA (Adobe Photoshop, version 6.0) fails to allow a user to apply a format profile at save time. Page 3 of the Office Action states that “AAPA disclosed a format profile (refer to page 5, “layer style” pictures),” presumably referring to the non-patent literature document titled “Adobe Photoshop 6.0, New Feature Highlights” that was submitted in the Information Disclosure Statement dated 10/13/2003. As discussed on page 5 of that document, users may save layer effects as a layer style. “[L]ayer effects offer a fast way to apply drop shadows, glows, bevels, embossing, and other effects to layers. Once applied these effects update automatically when you change the content of the layers.” *See, Adobe Photoshop 6.0, New Feature Highlights*, p. 5. Applicant respectfully submits that effects that may be applied to content of an image as discussed in AAPA is different from a set of format settings, such image resolution, size, compression, and the like. Moreover, the layer styles are not applied at save time as in the claimed invention.

Next, it is respectfully submitted that the Lourette and AAPA, either alone or in combination fail to teach or suggest receiving via the interface a user selection of the format profile comprising the set of image data format settings, and a user command to complete the formatting and saving of the image data to the second location, as recited in independent claim 1, as amended herein. As discussed above, the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest an interface that both: (1) allows for the selection of a format profile comprising a set of image data format settings; and (2) includes a graphic actuator for completing the formatting and saving of the image data to a second location. Because the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest such an interface, the references likewise fail to teach or suggest receiving via an interface a user selection of a format profile and a user command to complete the formatting and saving of image data to a second location.

Further, it is respectfully submitted that the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest in response to receiving a user selection of the format profile and the user command to complete the formatting and saving of the image data to the second location: formatting the image data in accordance with the set of image data format settings to provide formatted image data, and saving the formatted image data to the second location. Because the Lourette reference and AAPA fail to teach or suggest receiving via an interface a user selection of a format profile and user command to complete the formatting and saving of the image data to a second location, as noted above, the references likewise fail to teach or suggest responsively formatting the image data based on a set of image data format settings and saving the formatted image data to a second location.

As such, it is respectfully submitted that the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest the limitations of independent claim 1, and, as such, claim 1 is patentable over the Lourette reference and AAPA. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a). Claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 2-4, 9, 10, and 14-16 depends directly or indirectly from independent claim 1, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of these claims as well. In addition, independent claim 47, is directed to computer-readable medium having thereon instructions for performing a method similar to the method of claim 1. Accordingly, independent claim 47 is believed to be in condition for allowance for at least the above-cited reasons, and Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection to independent claim 47 as well.

Furthermore, many of these dependent claims are separately patentable because they contain additional limitations not taught or suggested by either the Lourette reference or AAPA. For example, in claims 9 and 10, the second location is a file stored on a digital picture frame. Page 4 of the Office Action attempts to find this limitation in the album image memory discussed in the Lourette reference. However, the album image memory discussed in the Lourette reference comprises a fixed memory within a digital camera, which is not a file on a digital picture frame.

Referring now to independent claim 31, the claim is directed to a method for transferring and sharing image data. The method includes receiving image data at a first location, wherein the image data was transferred to the first location from a second location; at

the first location, reading a rule correlating a characteristic of the image data with a set of image data format settings to apply to the image data and a third location to which to transfer the image data; applying automatically the set of image data format settings to the received image data, in accordance with the rule, to provide formatted image data; and transferring automatically the formatted image data to the third location in accordance with the rule.

It is respectfully submitted that the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest all the limitations of claim 31. First, the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest at the first location, reading a rule correlating a characteristic of the image data with a set of image data format settings to apply to the image data and a third location to which to transfer the image data. The references fail to disclose anything similar to a rule as that term is used in the present application and recited in independent claim 31. The rule defines how to process image data after arriving at a location, including the formatting to apply and the destination for the image data. *See Application*, pg. 33 lines 1-20. The rule determines what processing to apply to image data based on a characteristic of the image data by correlating the characteristic of the image data with both a set of image data format settings that will be applied to the image data and a location where the image data will be saved. *Id.* Accordingly, as recited in independent claim 31, the rule must correlate a characteristic of the image data with both (1) a set of image data format settings to apply to the image data, and (2) a third location to which to transfer the image data. The Lourette reference and AAPA fail to teach or suggest anything similar to such a rule. Page 6 of the Office Action cites to various portions of the Lourette reference. However, these cited portions fail to teach or suggest a rule that correlates a characteristic of image data with both (1)

a set of image data format settings to apply to the image data, and (2) a third location to which to transfer the image data.

In addition, because the Lourette reference and AAPA fail to teach or suggest a rule correlating a characteristic of the image data with a set of image data format settings to apply to the image data and a third location to which to transfer the image data, the references likewise fail to teach or suggest applying automatically the set of image data format settings to the received image data, in accordance with the rule, to provide formatted image data as recited in independent claim 31, as amended herein. Similarly, the references fail to teach or suggest transferring automatically the formatted image data to the third location in accordance with the rule.

As such, it is respectfully submitted that the Lourette reference and AAPA, either alone or in combination, fail to teach or suggest all the limitations of independent claim 31, and, as such, independent claim 31 is patentable over the Lourette reference and AAPA. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 31 under 35 U.S.C. § 103(a). Independent claim 31 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 33-36, 39-44, and 46 depends directly or indirectly from claim 31, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections to these claims as well.

Furthermore, many of these dependent claims are separately patentable because they contain additional limitations not taught or suggest by the Lourette reference or AAPA. For example, in claim 40, the characteristic of the image data is correlated by rule to a plurality of

image data destinations and a plurality of sets of image data format settings, the plurality of sets of image data format settings are applied to the image data, and at least one of a plurality of sets of formatted image data are transferred to at least one of the plurality of image data destinations. The references fail to describe the limitations of claim 40 in the context of base claim 31.

C. Rejections based on Lourette in view of Applicant Admitted Prior Art and Safai

Claims 5-8, 11-13, 37, 38, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lourette reference in view of AAPA (Adobe Photoshop, version 6.0) and further in view of U.S. Patent No. 6,715,003 to Safai (the "Safai reference"). As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Referring initially to claims 5-8 and 11-13, each of these claims depends, either directly or indirectly, from independent claim 1. The Examiner did not indicate in the Office Action that the Safai reference teaches or suggests any of the limitations from the base claim, independent claim 1. Instead, the Examiner appears to rely on the Lourette reference and AAPA for each of these base claim limitations. Applicant respectfully submits that the Lourette reference and AAPA fail to teach or suggest all of the claim limitations from independent claim 1 for at least the reasons cited above with respect to the rejection of independent claim 1 under 35 U.S.C. § 103(a). Moreover, there is no suggestion from the prior art to combine the Safai reference with the Lourette reference and AAPA, nor is there a suggestion from the prior art to modify this combination of prior art references to achieve the invention of claims 5-8 and 11-13. Therefore, Applicant submits that claims 5-8 and 11-13 are non-obvious over the Lourette reference in view of AAPA and further in view of the Safai reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 5-8 and 11-13 under 35 U.S.C. §

103(a). Claims 5-8 and 11-13 are believed to be in condition for allowance and such favorable action is respectfully requested.

Likewise, each of claims 37, 38, and 45 depends, either directly or indirectly, from independent claim 31. The Examiner did not indicate in the Office Action that the Safai reference teaches or suggests any of the limitations from the base claim, independent claim 31. Instead, the Examiner appears to rely on the Lourette reference and AAPA for each of these base claim limitations. Applicant respectfully submits that the Lourette reference and AAPA fail to teach or suggest all of the claim limitations from independent claim 31 for at least the reasons cited above with respect to the rejection of independent claim 31 under 35 U.S.C. § 103(a). Moreover, there is no suggestion from the prior art to combine the Safai reference with the Lourette reference and AAPA, nor is there a suggestion from the prior art to modify this combination of prior art references to achieve the invention of claims 37, 38 and 45. Therefore, Applicant submits that claims 37, 38, and 45 are non-obvious over the Lourette reference in view of AAPA and further in view of the Safai reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 37, 38, and 45 under 35 U.S.C. § 103(a). Claims 37, 38, and 45 are believed to be in condition for allowance and such favorable action is respectfully requested.

D. Rejections based on Lourette in view of Applicant Admitted Prior Art and further in view of Official Notice

Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. the Lourette reference in view of AAPA (Adobe Photoshop, version 6.0) and further in view of Official Notice. As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant respectfully submits that the combination of the Lourette reference, AAPA, and the Official Notice taken by the Examiner fails to teach or suggest all the claim limitations for claim 32. Claim 32 depends directly from independent claim 31. The Examiner did not indicate in the Office Action that the Official Notice was taken for any of the limitations from the base claim, independent claim 31. Instead, the Examiner appears to rely on the Lourette reference and AAPA for each of these claim limitations. Applicant respectfully submits that the Lourette reference and AAPA fail to teach or suggest all of the claim limitations from independent claim 31 for at least the reasons cited above with respect to the rejection of independent claim 31 under 35 U.S.C. § 103(a). In addition, there is no suggestion from the prior art to combine the Office Notice with the Lourette reference and AAPA, nor is there a suggestion from the prior art to modify this combination of prior art references to achieve the invention of claim 32.

Moreover, Applicant respectfully traverses the assertion of Official Notice. “Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge.” MPEP § 2144.03 (citing *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002); *In re Zurko*, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001)). “If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusions of common knowledge.” MPEP § 2144.03 (citing *In re Soli*, 317 F.2d 941, 946, 137 USPQ 797, 801 (CCPA 1963); *In re Chevenard*, 139 F.2d 711, 713, 60 USPQ 239, 241 (CCPA 1943)). The Applicant respectfully traverses the taking of Official Notice and asserts that the Office Action has not provided specific factual findings predicated on sound technical and scientific reasoning to support a conclusion that it is obvious

and a matter of design choice that an image data characteristic, which may be correlated by rule with a set of image data format settings and a third location, may comprise meta-data associated with the image data, an indication of a human user at the second location, an indication of an identity of the second location, a filename, and a content of a file.

Therefore, Applicant submits that claim 32 is non-obvious over the Lourette reference in view of AAPA and further in view of the Official Notice taken by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 32 under 35 U.S.C. § 103(a). Claim 32 is believed to be in condition for allowance and such favorable action is respectfully requested.

E. Rejections based on Lourette in view of Applicant Admitted Prior Art and further in view of Suzuki

Claims 17-19, 26-28, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lourette reference in view of AAPA and further in view of U.S. Patent No. 6,980,232 to Suzuki (the "Suzuki reference"). As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Referring initially to independent claim 17, the claim is directed to a method of automatically formatting and transferring image data from an image data source to an image data destination. The method includes providing a task for automatically formatting and transferring the image data, wherein the task describes a scheduled time for formatting and transferring the image data, an identification of the image data source, an identification of the image data destination, and a set of image data format settings; determining automatically that the scheduled time has arrived; and in response to determining automatically that the scheduled time has arrived: retrieving the image data automatically from the image data source, formatting the image data automatically in accordance with the set of image data format settings to provide

formatted image data, and transferring the formatted image data automatically to the image data destination.

It is respectfully submitted that the Lourette reference, AAPA, and the Suzuki reference, either alone or in combination, fail to teach or suggest all the claim limitations of independent claim 17. Referring initially to the primary reference for this rejection, the Lourette reference fails to teach or suggest multiple claim limitations of independent claim 17. First, the Lourette reference fails to teach or suggest providing a task for automatically formatting and transferring image data, wherein the task describes a scheduled time for formatting and transferring the image data, an identification of the image data source, an identification of the image data destination, and a set of image data format settings. A task, as used in the present application and indicated in independent claim 17, as amended herein, is a job to automatically format and transfer image data at a scheduled time. *See Application*, pg. 23, line 19 through pg. 24, line 9. Moreover, as recited in independent claim 17, the task must describe: (1) a scheduled time for formatting and transferring image data; (2) an identification of the image data source; (3) an identification of the image data destination; and (4) a set of image data format settings. The Lourette reference fails to teach or suggest anything similar to such a task. As discussed previously, the Lourette reference describes an electronic camera that may save a captured digital image in a fixed internal memory. The Lourette reference does not teach or suggest anything similar to a task for automatically formatting and transferring image data, wherein the task describes the four components indicated above. In rejecting claim 17, the Office Action appears to be citing completely separate portions of the Lourette reference (often unrelated to each other) in an attempt to find a task. In doing so, the Office Action is improperly dissecting this claim element and divorcing limitations of the element from one another. “[W]hen evaluating the

scope of a claim, every limitation in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluating the elements in isolation. Instead, the claim as a whole must be considered.” MPEP § 2106. Accordingly, the Lourette reference simply does not discuss a single task that describes these four components together for the purpose of formatting and transferring image data at a scheduled time.

Moreover, some of the separate portions of the Lourette reference cited by the Office Action fail to describe the individual portions of this claim element for which they are cited. For example, page 14 of the Office Action cites column 7, lines 15-30 for the set of image format settings. However, nothing in this cited portion, as well as the remainder of the Lourette reference, describes a set of image data format settings either alone or within a task that also describes the other three components. As noted above with respect to independent claim 1, the Lourette reference does discuss allowing a user to select an image format comprising an aspect ratio for displayed a hybrid or film mode image and to perform some editing functions, but this discussion simply does not describe a set of image format settings.

Next, it is respectfully submitted that the Lourette reference fails to teach or suggest determining automatically that the scheduled time has arrived as recited in independent claim 17. The scheduled time described by the task dictates when the image data formatting and transfer occurs. The Lourette reference does not teach or suggest determining that a schedule time to format and transfer image data has arrived.

Further, it is respectfully submitted that the Lourette reference fails to teach or suggest in response to determining automatically that the scheduled time has arrived: retrieving the image data automatically from the image data source, formatting the image data automatically in accordance with the set of image data format settings to provide formatted

image data, and transferring the formatted image data automatically to the image data destination as recited in independent claim 17. As noted, the Lourette reference fails to teach or suggest a task as recited in the claim and a scheduled time for automatically formatting and transferring image data. Accordingly, the Lourette reference fails to describe retrieving image data, formatting the image data, and transferring the image data to a destination in response to determining that a scheduled time has arrived based on a task. Additionally, as noted above, the Lourette reference fails to describe a task that includes a set of image data format settings. Therefore, the Lourette reference likewise fails to describe formatting the image data in accordance with a set of image data format settings when a scheduled time has arrived.

In an attempt to cure the defects of the Lourette reference, page 14 of the Office Action cites AAPA and the Suzuki. Page 14 of the Office Action states that “AAPA comprises a batch function, which automatically transfer data.” However, the Office Action does not specify what AAPA is being applied. For the purposes of this Amendment, Applicant assumes that the Office Action is referring to the Background of the present application, which discusses the drawbacks of some batch processing applications. Applicant respectfully submits that this Background discussion fails to teach or suggest a task that describes: (1) a scheduled time for formatting and transferring image data; (2) an identification of the image data source; (3) an identification of the image data destination; and (4) a set of image data format settings. Additionally, this Background discussion fails to teach or suggest determining automatically that the scheduled time has arrived as recited by independent claim 17. Further, this Background discussion fails to teach or suggest in response to determining automatically that the scheduled time has arrived: retrieving the image data automatically from the image data source, formatting the image data automatically in accordance with the set of image data format settings to provide

formatted image data, and transferring the formatted image data automatically to the image data destination.

The Office Action also cites the Suzuki reference, which is directed to an image transmitting internet camera. The Internet camera may capture and transfer images to a predetermined site on the Internet according to a schedule. *See, e.g., Suzuki*, col. 1, lines 42-45. However, the invention of the Suzuki reference is subject to drawbacks similar to those discussed in the Background of the present application for other applications that transfer images based on a schedule. *See, e.g., Specification*, p. 5, line 11 through p. 6, line 2. More specifically, the Suzuki reference fails to teach or suggest multiple limitations of independent claim 17. In particular, the Suzuki references fails to teach or suggest a task that describes: (1) a scheduled time for formatting and transferring image data; (2) an identification of the image data source; (3) an identification of the image data destination; and (4) a set of image data format settings. Additionally, the Suzuki reference fails to teach or suggest determining automatically that the scheduled time (for formatting and transferring image data) has arrived as recited by independent claim 17. Further, the Suzuki reference fails to teach or suggest in response to determining automatically that the scheduled time has arrived: retrieving the image data automatically from the image data source, formatting the image data automatically in accordance with the set of image data format settings to provide formatted image data, and transferring the formatted image data automatically to the image data destination.

As such, it is respectfully submitted that the Lourette reference, AAPA, and Suzuki reference fail to teach or suggest all limitations of independent claim 17, and, as such, independent claim 17 is patentable over the Lourette reference, AAPA, and the Suzuki reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 17

under 35 U.S.C. § 103(a). Independent claim 17 is believed to be in condition for allowance and such favorable action is respectfully requested.

Each of claims 18, 19, 26-28, and 30 depends directly or indirectly from independent claim 17, and accordingly, these claims are believed to be in condition for allowance for at least the above-cited reasons. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of these claims as well.

Furthermore, many of these dependent claims are separately patentable because they contain additional limitations not found in the Lourette reference. For example, in claim 26, a plurality of image data destinations and a plurality of sets of image data format settings are identified, the plurality of sets of image data format settings are applied to the image data, and at least one of a plurality of sets of formatted image data are transferred to at least one of the plurality of image data destinations. The references fail to teach or suggest the limitations of claim 26 in the context of base claim 17.

F. Rejections based on Lourette in view of Applicant Admitted Prior Art in view of Suzuki and further in view of Prestia

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lourette reference in view of AAPA in view of Suzuki and further in view of U.S. Patent No. 6,788,824 to Prestia (the “Prestia reference”). As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

Each of claims 20 and 21 depends directly from independent claim 17. The Examiner did not indicate in the Office Action that the Prestia reference teaches or suggests any of the limitations from the base claim, independent claim 17. Instead, the Examiner appears to rely on the Lourette reference, AAPA, and Suzuki reference for each of these base claim limitations. Applicant respectfully submits that the Lourette reference, AAPA, and Suzuki

reference fail to teach or suggest all of the claim limitations from independent claim 17 for at least the reasons cited above with respect to the rejection of independent claim 17 under 35 U.S.C. § 103(a). Moreover, there is no suggestion from the prior art to combine the Prestia reference with the Lourette reference, AAPA, and Suzuki reference, nor is there a suggestion from the prior art to modify this combination of prior art references to achieve the invention of claims 20 and 21. Therefore, Applicant submits that claims 20 and 21 are non-obvious over the Lourette reference in view of AAPA in view of the Suzuki reference and further in view of the Prestia reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 20 and 21 under 35 U.S.C. § 103(a). Claims 20 and 21 are believed to be in condition for allowance and such favorable action is respectfully requested.

G. Rejections based on Lourette in view of Applicant Admitted Prior Art in view of Suzuki and further in view of Safai

Claims 22-25 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lourette reference in view of AAPA (Batch) in view of Suzuki and further in view of Safai. As a *prima facie* case of obviousness has not been established, Applicant respectfully traverses this rejection, as hereinafter set forth.

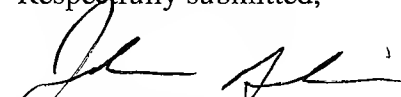
Each of claims 22-25 and 29 depends, either directly or indirectly, from independent claim 17. The Examiner did not indicate in the Office Action that the Safai reference teaches or suggests any of the limitations from the base claim, independent claim 17. Instead, the Examiner appears to rely on the Lourette reference, AAPA, and Suzuki reference for each of these base claim limitations. Applicant respectfully submits that the Lourette reference, AAPA, and, Suzuki reference fail to teach or suggest all of the claim limitations from independent claim 17 for at least the reasons cited above with respect to the rejection of independent claim 17 under 35 U.S.C. § 103(a). Moreover, there is no suggestion from the prior

art to combine the Safai reference with the Lourette reference, AAPA, and Suzuki reference, nor is there a suggestion from the prior art to modify this combination of prior art references to achieve the invention of claims 22-25 and 29. Therefore, Applicant submits that claims 22-25 and 29 are non-obvious over the Lourette reference in view of AAPA in view of the Suzuki reference and further in view of the Safai reference. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 22-25 and 29 under 35 U.S.C. § 103(a). Claims 22-25 and 29 are believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-48 are now in condition for allowance. Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-48. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. The fee due in conjunction with the present amendment is submitted herewith. Additionally, the Commissioner is hereby authorized to charge any additional amount required, or deposit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,


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